IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5127 OF 2004

Gautam R.Morarka ...Applicant

vs.

1. State of Maharashtra
2.M/s.Lloyds Finance
3.The India Sugars and Refineries Ltd.
4.Rajendraprasad R. Morarka ...Respondents

Mr.P.D.Desai for the Applicant
Ms M.M.Deshmukh A.P.P. for State
Mr.Santosh Pawar i/b Mr.Girin N. Pandit for R.No.2.

CORAM: A.S.OKA,J.
DATE : DECEMBER 4,2006.

P.C.:

1. In view of the decision of this Court in case of V.K.Jain and others vs. Pratap Padode and another [2005 (3) Mh.L.J. page 778], the learned Advocate for the Applicant seeks permission to withdraw this Application with liberty to file a Revision Application before the appropriate Sessions Court. He submits that ad-interim relief which was granted earlier may be continued for a reasonable time to enable the Applicant to approach the Sessions Court. The learned Advocate for the second Respondent fairly stated that in case an application for condonation of delay along with the Revision Application is made, he will not raise objection to the application for condonation of delay.

2. Hence, Application is disposed of by passing the following

order :

i) Application is dismissed as withdrawn with liberty to file a Revision Application for challenging the order issuing process.

ii) Ad-interim relief granted by this court on 1st December 2004 will continue to operate for a period of eight weeks from today.

iii) Statement made by the second Respondent which is noted in the early part of the order is accepted.

iv) In any event if application for condonation of delay is made the concerned court is bound to take a note of the fact that this application was filed in this Court on 2nd November 2004 and the same remained pending in this Court till today.

v) All contentions of the parties on merits are kept open.

JUDGE